

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x  
:  
UNITED STATES OF AMERICA  
:  
- v. -  
:  
DANIEL HERNANDEZ,  
a/k/a "Tekashi 6ix 9ine," : CONSENT PRELIMINARY ORDER  
:  
Defendant. : OF FORFEITURE/  
:  
- - - - - x : MONEY JUDGMENT  
:  
S5 18 Cr. 834 (PAE)

WHEREAS, on or about February 1, 2019, DANIEL HERNANDEZ, a/k/a "Tekashi 6ix 9ine," (the "defendant"), was charged in a nine-count Superseding Information, S5 18 Cr. 834 (PAE) (the "Information"), with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) (Count One); firearms possession in connection with the racketeering conspiracy charged in Count One of the Information, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), (iii), and 2 (Count Two); violent crime in aid of racketeering, in violation of Title 18, United States Code, Sections 1959(a)(5) and 2 (Count Three); firearms possession in connection with the offense charged in Count Three of the Information, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and (iii) and 2 (Count Four); violent crime in aid of racketeering, in violation of Title 18, United States Code, Sections 1959(a)(3) and 2 (Count Five); firearms possession in connection with the offense charged in Count Five of the Information, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and 2 (Count Six); violent

crime in aid of racketeering, in violation of Title 18, United States Code, Sections 1959(a)(3) and 2 (Count Seven); firearms possession in connection with the offense charged in Count Seven of the Information, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), (iii), and 2 (Count Eight); and narcotics trafficking, in violation of Title 21, United States Code, Section 841(b)(1)(A) (Count Nine);

WHEREAS, the Information included a forfeiture allegation as to Count Nine of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count Nine of the Information, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense charged in Count Nine of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Nine of the Information that the defendant personally obtained;

WHEREAS, on or about January 23, 2019, the defendant pled guilty to Counts One through Nine of the Information, pursuant to a plea agreement with the Government, wherein the defendant

admitted the forfeiture allegation with respect to Count Nine and agreed to forfeit, pursuant to Title 21, United States Code, Section 853, all money representing proceeds traceable to the commission of the offense charged in Count Nine of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$2,000 in United States currency representing the amount of proceeds traceable to the offense charged in Count Nine of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count Nine of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, MICHAEL LONGYEAR of counsel, and the defendant, and his counsel, LANCE LAZZARO, Esq., that:

1. As a result of the offense charged in Count Nine of the Information, to which the defendant pled guilty, a money judgment in the amount of \$2,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable

to the offense charged in Count Nine of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, DANIEL HERNANDEZ, a/k/a "Tekashi 6ix 9ine," and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Department of Treasury, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number

4. The United States Department of Treasury or its designee shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York

By:



MICHAEL LONGYEAR  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2223

12/18/2019

DATE

DANIEL HERNANDEZ

By:



DANIEL HERNANDEZ

12/18/19

DATE

By:



LANCE LAZZARO, ESQ.  
Attorney for Defendant  
360 Court Street, Ste. 3  
Brooklyn, NY 11231

12/18/19

DATE

SO ORDERED:



HONORABLE PAUL A. ENGELMAYER  
UNITED STATES DISTRICT JUDGE

12/18/19

DATE